

AMENDED IN ASSEMBLY AUGUST 6, 1998

AMENDED IN SENATE APRIL 13, 1998

SENATE BILL

No. 2227

Introduced by Senator Monteith

February 20, 1998

An act to amend Section 56835 of, and to add Sections 56111.14, 56700.3, 56800.3, 56828.5, 56842.7, 56844.2, 57082.5, and 57330.5 to, the Government Code, relating to ~~open-space~~ ~~land~~ *local agencies*.

LEGISLATIVE COUNSEL'S DIGEST

SB 2227, as amended, Monteith. ~~Land—conservation contracts~~ *Local agency formation.*

(1) Existing law, the Cortese-Knox Local Government Reorganization Act of 1985 provides that territory may not be annexed to a city unless it is located in the same county, and unless otherwise provided by the act, territory may not be annexed to a city unless it is contiguous to the city at the time the proposal is initiated.

This bill would provide, notwithstanding the above provisions, that upon approval of the local agency formation commission, the City of Coalinga may annex noncontiguous territory of not more than 640 acres in area, which territory is located in the County of Fresno and constitutes a correctional facility.

~~(1)–~~

(2) Under the California Land Conservation Act of 1965, also known as the Williamson Act, a landowner may enter into

a contract with a city or county whereby the amount of the assessed property taxes is reduced in return for keeping the land as an agricultural preserve for a minimum of 10 years. Under that act, upon the annexation by a city of any land subject to a contract with a county, the city succeeds to all rights, duties, and powers of the county under the contract unless the land being annexed was within one mile of the city at the time the contract was initially executed. If the contract was executed prior to January 1, 1991, it is conclusively presumed that no protest was filed by the city unless there is a record of the filing of the protest. With respect to such a contract, if the protest was filed and approved by the local agency formation commission, the city may choose not to exercise its option to succeed to the contract which then becomes null and void as to the land actually annexed.

Existing law, the Cortese-Knox Local Government Reorganization Act of 1985, specifies the procedures for changes of organization of local government entities including the annexation of territory to a city.

This bill would require that when a proposal for a change of organization or a reorganization would result in the annexation to a city of land subject to such a contract the petition or resolution of application for the proposal shall state whether the city intends to succeed to the contract or not. The bill would require the executive officer of the local agency formation commission within 10 days after receiving such a proposal to notify the Director of Conservation of the proposal, and to provide mailed notice to the director of any hearing on the proposal. The bill would require the commission to determine, with respect to such a proposal, whether the city shall succeed to the contract or may exercise its option not to succeed to the contract. The bill would require the conducting authority to include in its resolution ordering annexation a finding regarding whether the city intends not to succeed to the contract. The bill would provide that if the city succeeds to the contract succession is effective on and after the effective date of annexation and would require the city if it does not succeed to the contract to record a certificate of contract termination.

~~(2)~~



(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(3) —~~

(4) This bill would provide that it shall become operative only if ~~Senate Bill No. SB 1835 of the 1997-98 Regular Session~~ becomes effective on or before January 1, 1999.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56111.14 is added to the
2 Government Code, to read:

3 56111.14. (a) Notwithstanding Section 56110, upon
4 approval of the commission, the City of Coalinga may
5 annex noncontiguous territory of not more than 640 acres
6 in area, which territory is located in the County of Fresno
7 and constitutes a correctional facility. If, after the
8 completion of the annexation, the State of California sells
9 that territory, or any part thereof, all of the territory that
10 is no longer owned by the state shall cease to be part of
11 the City of Coalinga.

12 (b) If territory is annexed to the City of Coalinga
13 pursuant to this section, the city may not annex any
14 territory not owned by the state and not contiguous to the
15 city although that territory is contiguous to the territory
16 annexed pursuant to this section.

17 (c) When territory ceases to be part of the city
18 pursuant to this section, the legislative body of the city
19 shall adopt a resolution confirming the detachment of
20 that territory from the city. The resolution shall describe
21 the detached territory, and shall be accompanied by a
22 map indicating the territory. Immediately upon adoption
23 of the resolution, the city clerk shall make any filing
24 provided for by Chapter 8 (commencing with Section
25 57200) of Part 4.

1 (d) If the territory annexed to the City of Coalinga
2 pursuant to this section becomes contiguous to the city,
3 the limitations imposed by this section shall cease to
4 apply.

5 (e) The City of Coalinga may enter into an agreement
6 with any other city or the County of Fresno under which
7 the City of Coalinga apportions any increase in state
8 subventions resulting from the annexation of territory
9 pursuant to this section.

10 SEC. 1.5. Section 56700.3 is added to the Government
11 Code, to read:

12 56700.3. If the proposal would result in the annexation
13 to a city of land that is subject to a contract executed
14 pursuant to the Williamson Act (Chapter 7 (commencing
15 with Section 51200) of Division 1), then the petition shall
16 state whether the city shall succeed to the contract
17 pursuant to Section 51243 or whether the city intends to
18 exercise its option to not succeed to the contract pursuant
19 to Section 51243.5.

20 SEC. 2. Section 56800.3 is added to the Government
21 Code, to read:

22 56800.3. If the proposal would result in the annexation
23 to a city of land that is subject to a contract executed
24 pursuant to the Williamson Act (Chapter 7 (commencing
25 with Section 51200) of Division 1), then the resolution
26 shall state whether the city shall succeed to the contract
27 pursuant to Section 51243 or whether the city intends to
28 exercise its option to not succeed to the contract pursuant
29 to Section 51243.5.

30 SEC. 3. Section 56828.5 is added to the Government
31 Code, to read:

32 56828.5. Within 10 days after receiving a proposal that
33 would result in the annexation to a city of land that is
34 subject to a contract executed pursuant to the Williamson
35 Act (Chapter 7 (commencing with Section 51200) of
36 Division 1), the executive officer shall notify the Director
37 of Conservation of the proposal. The notice shall include
38 the contract number, the date of the contract's execution,
39 and a copy of any protest that the city had filed pursuant
40 to Section 51243.5.

1 SEC. 4. Section 56835 of the Government Code is
2 amended to read:

3 56835. The executive officer shall also give mailed
4 notice of any hearing by the commission, as provided in
5 Sections 56155 to 56157, inclusive, by mailing notice of the
6 hearing to all of the following persons and entities:

7 (a) To each affected local agency.

8 (b) To the chief petitioners, if any.

9 (c) To each person who has filed a written request for
10 special notice with the executive officer.

11 (d) If the proposal is for any annexation or
12 detachment, or for a reorganization providing for the
13 formation of a new district, to each city within three miles
14 of the exterior boundaries of the territory proposed to be
15 annexed, detached, or formed into a new district.

16 (e) If the proposal is to incorporate a new city or for
17 the formation of a district, to the affected county.

18 (f) If the proposal includes the formation of, or
19 annexation of territory to, a fire protection district
20 formed pursuant to the Fire Protection District Law of
21 1987, Part 3 (commencing with Section 13800) of Division
22 12 of the Health and Safety Code, and all or part of the
23 affected territory has been classified as a state
24 responsibility area, to the Director of Forestry and Fire
25 Protection.

26 (g) If the proposal would result in the annexation to a
27 city of land that is subject to a contract executed pursuant
28 to the Williamson Act (Chapter 7 (commencing with
29 Section 51200) of Division 1), to the Director of
30 Conservation.

31 SEC. 5. Section 56842.7 is added to the Government
32 Code, to read:

33 56842.7. If a change of organization or reorganization
34 would result in the annexation to a city of land that is
35 subject to a contract executed pursuant to the Williamson
36 Act (Chapter 7 (commencing with Section 51200) of
37 Division 1), the commission shall determine one of the
38 following:

39 (a) That the city shall succeed to the rights, duties, and
40 powers of the county pursuant to Section 51243, or

(b) That the city may exercise its option to not succeed to the rights, duties, and powers of the county pursuant to Section 51243.5.

SEC. 6. Section 56844.2 is added to the Government Code, to read:

56844.2. If any commission order approving or conditionally approving a change of organization or reorganization would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), for which the commission has determined pursuant to Section 56842.7 that the city shall succeed to the contract, the commission shall impose a condition that requires the city to adopt the rules and procedures required by the Williamson Act, including but not limited to the rules and procedures required by Sections 51231, 51237, and 51237.5.

SEC. 7. Section 57082.5 is added to the Government Code, to read:

57082.5. With respect to any proceeding that would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), for which the commission has determined pursuant to Section 56842.7 that the city may exercise its option to not succeed to the contract, the conducting authority shall include within its resolution ordering the annexation of the territory a finding regarding whether the city intends to not succeed to the contract.

SEC. 8. Section 57330.5 is added to the Government Code, to read:

57330.5. (a) If a city annexes land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), and the city succeeds to the contract pursuant to either Section 51243 or Section 51243.5, then on and after the effective date of the annexation, the city has all of the rights, duties, and powers imposed by that contract.

(b) If a city annexes land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7

1 (commencing with Section 51200) of Division 1), and the
2 city exercises its option to not succeed to the contract
3 pursuant to Section 51243.5, then the city shall record a
4 certificate of contract termination pursuant to that
5 section.

6 SEC. 9. No reimbursement is required by this act
7 pursuant to Section 6 of Article XIII B of the California
8 Constitution because a local agency or school district has
9 the authority to levy service charges, fees, or assessments
10 sufficient to pay for the program or level of service
11 mandated by this act, within the meaning of Section 17556
12 of the Government Code.

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

17 SEC. 10. This act shall become operative only if
18 Senate Bill No. 1835 of the 1997–98 Regular Session
19 becomes effective on or before January 1, 1999.

